IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.47 OF 2004

Floyd D.Aguiar ..Petitioner

Vs.

The State of Maharashtra
& Anr. ..Respondents

...

Mr.Subhash Jha with Mr.Ghanshyam Upadhyay and Gauirav Agarwal i/b Law Global for petitioner
Mr.V.M.Bharadwaj for Advocate for Respondent No.2.
Mr.Y.S.Shinde A.P.P. for State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 23,2005

P.C.

1. Heard the learned advocate for the Petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued agaisnt him in C.C.No. 995/S/2002 which is pending before the learned Metropolitan Magistrate, 12th Court at Bandra, Mumbai. In the said case, process has been issued against the petitioner under Sections 323, 452, 341, 342, 506(II) r.w.

114 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in Cri.W.P.No. 213 of 2005 and order dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. Stay granted by this Court is extended for a period of five weeks from today. All contentions of parties are left open.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]